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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,364	12/02/2003	Lenny Sands	03-12449	7162

7590

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Daniel M. Cislo, Esq.
Cislo & Thomas LLP
Suite 900
233 Wilshire Boulevard
Santa Monica, CA 90401-2015

EXAMINER

HWANG, VICTOR KENNY

ART UNIT

PAPER NUMBER

3764

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,364

Applicant(s)

SANDS, LENNY

Examiner

Victor K. Hwang

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☒ Claim(s) 7, 19, 22-25 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date Dec. 2, 2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on page 7, last line, the recitation "handlebar 18" presumably should be changed to --seat 20-- and on page 8, line 4, the recitation "seat 20" presumably should be changed to --handlebar 18--, in order to accurately reflect what is shown in the drawings and disclosed elsewhere in the specification.

Appropriate correction is required.

Claim Objections

2. Claims 7, 19, 22-25 and 29 are objected to because of the following informalities:

in claim 7, the recitation "grasping member" lacks antecedent basis and presumably a grasping member is provided as part of the system;

in claim 19, the recitation "said foot pad" lacks positive antecedent basis and presumably a foot pad is provided as a part of the exercise device;

in claim 22, the recitation "said grasping member" lacks positive antecedent basis and presumably a grasping member is provided as part of the system;

in claim 24, the recitation "a grasping member" appears to recite duplicate structure that is recited in claim 22 and presumably the grasping members recited are the same;

claims 23 and 25 depend from claim 22 and are likewise objected to; and

in claim 29, the recitation "said resilient members are selectively interchangeable" duplicates a functional limitation recited in claim 27.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by *Huang et al.* (US Pat. 6,981,932 B1). *Huang et al.* discloses a multi-purpose exercise system comprising a frame with first and second base members configured to contact a support surface; a selectively inclined cross member 11 having a first end coupled to the first base member 2 and a second end selectively, adjustably coupled to the second base member 3 so that the height of the second end is can be selected; a handlebar 5 selectively and pivotally coupled to the cross member 11; and adjustable foot pad 23 configured to be selectively positionally coupled to the cross member; a seat 71 configured to slidably couple to the cross member; and first and second resilient resistance members 16,45 to respectively couple the handle bar and seat to the frame and resist movement thereof. A grasping member 812 is coupled to a third resilient resistance member 81 that has an end coupled to the frame. A computing device 50 is coupled to the system. The resilient members are elastic cords and selectively interchangeable. An angle of the adjustable handlebar may be selectively adjusted. The system disclose all of the structure claimed in the methods, and would therefore inherently read upon the claimed methods and permit exercise of an upper or a lower body of a user, in combination or independently.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Cunningham et al. (US Pat. 4,421,307), *Bolf* (US Pat. 5,913,752), *Galbraith et al.* (US Pat. 6,817,968 B2) and *Huang et al.* (US Pat. 6,926,647 B1) disclose exercise devices having structure similar to the claimed invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.



The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on (571) 272-4696.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang
November 14, 2006

(JACKIE) TAN-UYEN HO
PRIMARY EXAMINER
11/14/06